

## REMARKS

### Status of the Claims

Claims 2, 3, 5, 6, 13-19, and 22-41 are pending in this application. Claims 13, 15-19, 28, 29, and 32-35 are cancelled without prejudice or disclaimer. Claim 5 is amended. Applicants submit that the specification at, e.g., page 28, lines 13-19; page 48, lines 28-30; and page 109, line 14 to page 110, line 14, discloses a protein in which the first, second, and third zinc finger domains occur in order. No new matter is added.

### Telephone Interview

The Applicants thank the Examiner for her courtesy and helpful comments in a telephone interview with the Applicants' representatives on August 15, 2007, during which the representatives and the Examiner discussed the Office Action. The Applicants' position is elaborated below.

### Sequence Compliance and Objection to the Specification

At page 4 of the Office Action, the Examiner objected to the specification because Figure 10B contains a nucleic acid sequence that is not referred to by the use of a sequence identifier. Applicants have herein amended the brief description of Figure 10B to include reference to SEQ ID NO:130. As stated by the Examiner, such an amendment renders the objection moot.

At page 5 of the Office Action, the Examiner objected to the grammar used in the abstract. Applicants have herein amended the abstract to recite "at least one zinc finger domain," which amendment obviates the rejection.

### Rejection Under 35 U.S.C. §102 (Anticipation)

At pages 5-7 of the Office Action, claims 2-3, 5, 22-27, 30-31, and 36-38 were rejected as allegedly anticipated by Kim et al. (U.S. Publication No. 2003/0165997). According to the Office Action, "Kim et al. teach a zinc finger polypeptide comprising a first, second, and third zinc finger domain, where each zinc finger domain is selected from the zinc fingers in Tables 5,

6 and 7. Kim et al. teach the zinc fingers of QSNR and CSN...[and] QSNK" (Office Action, page 6).

Independent claim 5 is drawn to a transcription factor "that comprises a first, second and third zinc finger domain" wherein each domain has a particular set of DNA contacting residues. As explained by the Examiner in the telephonic interview, the rejection of this claim over Kim et al. was premised on a reading of the claim language in which the three domains specified in claim 5 occurred in any order. However, as clarified by the above amendment, the domains referred to in the claim are positioned in the particular order in which they are recited.

The Kim et al. reference not disclose nor suggest a transcription factor comprising a first, second, and third zinc finger domain having the QSNR, QSNK, and CSNR motifs respectively in this order. Therefore, Kim et al. do not anticipate any of claims 2-3, 5, 22-27, 30-31, and 36-38.

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102.

#### Rejection Under 35 U.S.C. §103 (Obviousness)

At pages 7-10 of the Office Action, claims 6, 14, and 39-41 were rejected as allegedly unpatentable over Kim et al. (*supra*) in view of Liu et al. (Proc. Natl. Acad. Sci. (1997) 94:5525-5530). This rejection appears to be based on the rejection of Kim et al. that is addressed above.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been overcome and all of the pending claims are in condition for allowance, which action is earnestly requested.

Applicants do not accede to any positions of the Examiner not specifically addressed above.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at the number provided below.

No fees are believed to be due. However, please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No 12279-007002.

Respectfully submitted,

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